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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,509	05/02/2001	David A. Christopher	35451/119 (3597.Palm)	7864

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EXAMINER

DATSKOVSKIY, MICHAEL V

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 05/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/847,509	Applicant(s) CHRISTOPHER, DAVID A.	
	Examiner Michael Datskovsky	Art Unit 2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-4, 6, 8-13 and 15-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-4, 6, 8-13 and 15-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 05/06/03 have been fully considered but they are not persuasive. Although examiner agrees that Applicant is entitled to submit claims comprising functional recitations, it is necessary to point out that according to MPEP: "Office personal are reminded that finding a product claim to encompass any and every product embodiment of a process invention simply means that the Office will presume that the product claim encompasses any and every hardware of hardware platform and associated software implementation that performs the specified set of claimed functions. Because this is interpretive and nothing more, it does not provide any information as to the patentability of the applicant's underlying process or the product claim." It applicant regards his invention as Product Claims Directed to Specific Machines and Manufactures, MPEP states: "If a product claim does not encompass any and every computer - implementation of a process, then it must be treated as a specific machine or manufacture. Claims that define a computer - related invention as a specific machine or specific article of manufacture must define the physical structure of the machine or manufacture in terms of its hardware or hardware and "specific software." ("Specific software" is defined as a set of instructions implemented in a specific program code segment. See Computer Dictionary 78 (Microsoft Press, 2d ed. 1994) for definition of "code segment.") The applicant may define the physical structure of a programmed computer or its hardware or software components in any manner that can be clearly understood by a person skilled in the relevant art. Generally a claim drawn to a

particular programmed computer should identify the elements of the computer and indicate how those elements are configured in either hardware or a combination of hardware and specific software" (underlined by the examiner), which applicant never did. Also it is necessary to point out that the previous rejection was based and the following rejection is based on the assumption that it is inherent for every computer or computerized platform always to employ different computer programs (drivers) already included in the computer operation system or specifically programmed and downloaded for each kind of peripheral device used in communication with said computer.

Information data being downloaded from an expansion card through a cradle card reader to the PDA and then to the computer or directly to the computer will inherently require said computer to include specific software driver to recognize said cradle card reader (or a serial port of the PDA) and to provide data communication between them.

In addition the following rejection is also base on the preliminary translation of the cited Japanese Patent by Hachiman et al. (The complete translation will be sent to the applicant at the later date).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1-4, 6, 8-13, 15-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hachiman et al.

Hachiman et al teach a docking station for a handheld computer, Figs. 1-17, comprising: a data connection 41 configured to communicate data from the docking station 1 to the handheld computer 2 and a data connection 43 to communicate data from the docking station 2 to a personal computer 400 (inherently comprising as it is well known in the art a communication bus, and coupled to said communication bus a storage device, a memory, and a processor); and an expansion card 600 connector and card reader 57, Fig. 11, coupled to the docking station and configured to communicate data between an expansion card 600 and the docking station 1. Hachiman et al teach furthermore said docking station having a wireless data link 64, Fig. 11, or a modem data link 500, Fig. 8, to communicate data to a communication network; and a synchronization switch 61 to synchronize data transferred from the card 600 to the PDA and from the PDA to the personal computer 400. Also, as it was explained above, the personal computer 400 is inherently provided with a computer program (driver) intended to recognize said cradle card reader (or a serial port of the PDA) and to provide data communication between them.

Regarding to the claims 11, 12, 17-19, 33, 34: Hachiman et al disclose the claimed invention except for: a secure digital card (SD), or a multimedia card (MMC), or a battery, or a cellular phone transceiver, or a camera, or a MP3 player being inserted into a card slot of the docking station (By Hachiman et al card 600 is a memory card without

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specifying its kind). Card- type peripheral devices such as cameras, batteries etc are well known in the art (Good example is a card-type camera described in the Japanese Patent JP411243501A by Osawa). It would have been an obvious matter of design choice to use said card slot to insert a secure digital card (SD), or a multimedia card (MMC), or a battery, or a cellular phone transceiver, or a camera, or a MP3 player, since applicant has not disclosed that a type of the inserted device solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any kind of available electronic device having appropriate size and electrical connection.

Regarding to the claims 35-39: The method steps are obviously necessitated by the device structure as Hachiman et al describe it.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Datskovsky whose telephone number is (703) 306-4535. The examiner can normally be reached on Mn - Fry 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren E. Schuberg can be reached on (703) 308-4815. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Patent Examiner

Michael Datskovsky



May 8, 2003